

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LARRY EISENHART,

Plaintiff,

v.

KILOLO KIJAKAZI,¹
*Acting Commissioner of Social
Security,*

Defendant.

No. 1:20-CV-02249

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

MARCH 3, 2022

Larry Eisenhart filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Eisenhart’s claim for social security disability benefits.² In December 2021, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.³

Eisenhart filed timely objections to the Report and Recommendation.⁴ In his objections, Eisenhart contends that Magistrate Judge Carlson erred in concluding that the administrative law judge properly weighed the medical opinion of Dr. John

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi, as the successor officer to Andrew Saul, Commissioner of Social Security, is automatically substituted as Defendant in this action.

² Doc. 1.

³ Doc. 24.

⁴ Doc. 25.

Tardibuono; properly accounted for all of Eisenhart’s functional limitations; and correctly found that Eisenhart’s ability to move furniture and rob a bank undercut his reported physical limitations.⁵ “If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁶ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁷

Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Carlson’s conclusion that the Commissioner’s decision is supported by substantial evidence. Although Eisenhart disputes some of Magistrate Judge Carlson’s observations and conclusions, Magistrate Judge Carlson correctly determined that, as a whole, the ALJ’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 24) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;

⁵ *Id.*

⁶ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁷ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. Final Judgment is entered in favor of Defendant and against Eisenhart pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge